



Child Custody

What is a child custody proceeding? This is the legal process that determines legal custody, physical custody, and/or visitation for a child. Custody decisions can be made in divorce, separation, neglect, abuse, dependency, guardianship, paternity, termination of parental rights, or protective order cases.

When can Wyoming courts determine child custody? Normally a child custody case can only be decided in the child's home state. A child's "home state" is the state where the child has lived for at least the last 6 months before the case is filed. If a child is less than 6 months old, the child's "home state" is the state where the child lived from birth. Wyoming courts only have authority to make an original child custody determination if Wyoming is the "home state" of the child when the case is filed, or Wyoming was the home state of the child within 6 months before the case was filed and the child is not in Wyoming but a parent or person acting as a parent continues to live in Wyoming.

What is legal custody? Legal custody refers to the right to make certain decisions for the child, including decisions about education, medical and dental care.

What is physical custody? Physical custody refers to the right to the daily care and supervision of the child.

What are the types of custody arrangements? **Sole custody** is when only one parent is granted legal custody and physical custody of a child. **Joint custody** is typically where the parents share the right to make decisions for the child or a combination thereof. Joint legal custody with sole physical custody is the most common type of custody arrangement and usually one parent has primary physical custody with the other parent having visitation rights and both parents sharing in certain decision-making responsibilities. In **shared custody** arrangements, the parents share both physical custody and legal custody of the child.

How is child custody determined by the courts? The court may order any combination of custody arrangements of the child that will be in the **best interests of the child**. Custody may include any combination of joint, shared or sole custody. When custody is contested, it is highly unlikely a court will order shared custody in Wyoming because the courts recognize that shared custody requires the parties to work together.

How is "the best interests of the child" determined? The best interests of a child are determined by a number of factors, including:

- The quality of the relationship each child has with each parent
- Each parent's ability to provide care for the child, including arranging for the child's care by others as needed
- Each parent's fitness to be a parent and willingness to take on parenting responsibilities
- Each parent's ability and willingness to follow a custody/visitation agreement and respect the other parent's rights/responsibilities
- Any other factors the court deems necessary and relevant.

Can a person who is not the child's parent be awarded custody of the child? Yes but rarely. In some situations a person who is not the child's parent can be awarded custody of a child. This is done through a guardianship proceeding. Custody of a child will only be awarded to a non-parent in a guardianship case if the parents agree or if both parents are found to be unfit or unwilling to care for the child. For additional information see the Guardianship of a Child handout.

Notes

TASK	DUE DATE	DONE